

  
Patrick M. Flatley  
United States Bankruptcy Judge  
Dated: Wednesday, December 08, 2010 1:17:30 PM

**IN THE UNITED STATES BANKRUPTCY  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**In Re**

**MCCOY 6, LLC,  
aka McCoy 6 Apartments  
Limited Liability Company**

**Bankruptcy Case No: 09-00304  
Chapter 11**

**Debtor.**

**AMENDED AGREED ORDER FOR  
ADEQUATE PROTECTION PAYMENTS AND  
MODIFYING AUTOMATIC STAY**

Upon the appearance of the creditor, FNB Bank, by and through its counsel, Daniel T. Booth and Booth & McCarthy, and the appearance of Robert L. Johns, the Chapter 11 Trustee for the debtor, by and through its counsel, Wendel B. Turner, and upon the motion of the creditor for adequate protection payments, or, alternatively, for modification of the automatic stay, and the parties having advised the Court that they have reached an amended agreed resolution to said motion,

It is now hereby ADJUDGED and ORDERED that the debtor shall make adequate protection payments to FNB Bank, in the amount of \$2,500.00, for a period of ninety days. The payments shall be made to the office of Booth & McCarthy, at P.O. Box 4669, Bridgeport, WV 26330, in order that counsel may monitor compliance with the terms of this Order. The first payment shall be made on November 30, 2010, the second payment on December 30, 2010, and the third payment on January 30, 2011. Thereafter, if the parties cannot agree with respect to further payments, or to some alternative resolution, it shall be the

responsibility of the creditor to bring this matter to the attention of the court for such further proceedings as creditor may desire.

It is further ADJUDGED and ORDERED that in the event that the debtor fails to make a timely payment as set forth above, the creditor shall provide counsel for the debtor a five (5) day notice of right to cure said default, and in the event that payment is not received in response thereto, the stay shall be considered modified without further order of this Court, and the creditor may take such action as it deems necessary with respect to its security interests in various parcels of real estate owned by the debtor. In the event that the creditor forecloses on its security interest, and there are any funds remaining after such sale in excess of the amount owed to the creditor, the creditor shall inform the Court of the amount of said excess for direction on distribution of said excess funds.

The Clerk is directed to enter this Order and to provide notice of entry of this Order in accordance with the Rules of Procedure.

Entered: \_\_\_\_\_

\_\_\_\_\_  
United States Bankruptcy Judge

Prepared by:

/s/ Wendel B. Turner  
WENDEL B. TURNER [WV S.B. # 3823]  
ROBERT L. JOHNS [WV S.B. # 5161]  
**TURNER & JOHNS, PLLC**  
216 Brooks Street, Suite 200  
Charleston, WV 25301  
*Trustee for the Bankruptcy Estate  
of McCoy 6, LLC aka McCoy 6  
Apartments Limited Liability Company*

Approved by:

/s/ Daniel T. Booth  
Daniel T. Booth [WVSB No. 42209]  
Booth & McCarthy  
P. O. Box 4669  
Bridgeport WV 26330  
*Counsel for FNB Bank*

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**CERTIFICATE OF SERVICE**

I, Wendel B. Turner, do hereby certify that service of the foregoing Proposed "AMENDED AGREED ORDER FOR ADEQUATE PROTECTION PAYMENTS AND MODIFYING AUTOMATIC STAY" was served upon the following by mailing a true and exact copy thereof to each of them in properly stamped and addressed envelopes deposited in the United States mail, postage prepaid on this 1<sup>st</sup> day of December, 2010:

Debra A. Wertman, Esquire  
Assistant U.S. Trustee  
300 Virginia Street, East  
Room 2025  
Charleston, WV 25301  
*(Via Electronic Filing)*

Roger Schlossberg  
Schlossberg & Associates  
P.O. Box 4227  
Hagerstown, Maryland 21741-4227  
*(Via Electronic filing)*

Daniel T. Booth, Esquire  
Booth & McCartney  
901 W. Main Street, Suite 201  
Bridgeport WV 25719

Troy L. Cady, Esquire  
One Oxford Centre  
301 Grant St, 14th Floor  
Pittsburgh, PA 15219  
*(Via Electronic Filing)*

Edward R. Kohout, Esquire  
Law Office of Edward R. Kohout  
2567 University Avenue  
Morgantown, WV 26505  
*(Via Electronic Filing)*

John P. Lacher, Esquire  
960 Penn Ave., Suite 1200  
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*(Via Electronic Filing)*

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Robert O Lampl Law Office  
960 Penn Avenue Suite 1200  
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**WENDEL B. TURNER**